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UNCLAS SECTION 01 OF 04 WARSAW 001178

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SUBJECT: FRAUD SUMMARY - POLAND

REF: (A) STATE 074840 (B) STATE 074840 (C) KYIV 01687

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Country Conditions  
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¶1. (U) Although the Polish economy is slowing due to the global economic crisis, it has proven to be more resilient than other European economies. After 2008's 4.9 percent growth, Eurostat predicts Poland's GDP will drop to 1.2 percent in 2009. In comparison, the EU as a whole is expected to see a 4 percent drop in GDP.

¶2. (U) Upon accession to the European Union in 2004, Poles began to leave Poland for work in countries like Britain and Ireland. This trend began to slow down over the last two years and may now reverse as host countries face mounting economic challenges. According to Eurostat, as of August 2009, the unemployment rate in Poland was 8 percent, slightly under the 9.1 percent EU-wide unemployment rate. Unemployment rates vary across the country with rural areas experiencing much higher levels than cities.

¶3. (U) Poland's failure to qualify for the Visa Waiver Program represents a significant bilateral irritant, even if the GOP does not continue to raise the matter. Post continues to engage the GOP on security-related aspects of VWP membership, including Lost and Stolen Passport (LASP) and HSPD-6 reporting.

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NIV Fraud  
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¶4. (U) B Visas: Consular officers encounter very low levels of material fraud. The fraud primarily involves applicants who do not disclose previous overstays in the U.S. or who misrepresent the length of their previous stays. Access to DHS ADIS records has provided critical information for making accurate visa adjudications and significantly improved the quality and turnaround time of validation studies conducted by Mission Poland. Post's most recent B-visa validation studies indicated a surprisingly low rate of overstays for Polish applicants (less than 3 percent), a trend supported by ad hoc evaluations. Approximately a dozen applicants in Krakow have "forgotten" arrests and convictions that would make them ineligible under 212(a)(2)(A)(i)(I). Cooperation with Polish authorities often reveals such arrests in Poland while IAFIS has been instrumental in identifying American arrest records. While there is no indication of an increased trend in these incidents, Post continues to be vigilant.

¶5. (U) J Visas: Post has seen a very small number of questionable J1 Trainee Exchange programs that seem designed to circumvent H visa

requirements, especially in the hospitality and agriculture industries. While most J1 Trainee Exchange program applicants are highly qualified, a minority has presented training plans that are thinly veiled attempts to disguise jobs as waiters, gardeners, or hotel maids. Post cooperates with Compliance (ECA/EC/CU) to better monitor and enforce regulations on umbrella sponsoring organizations.

¶6. (U) Validation studies indicate the overstay rate for Polish students participating in the Summer Work & Travel Program is marginal (approx 1 percent of such travelers do not return to Poland). Overstay rates for third country nationals applying for J visas in Poland vary by country of citizenship, and can be exponentially larger depending on the country.

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IV Fraud  
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¶7. (U) Warsaw processes all IV petitions in Poland, as well as IV petitions from Latvia and Belarus. The Department has preliminarily approved Embassy Riga's request to begin processing IVs. This is currently scheduled to begin January 1, 2010. Post does not see significant fraud involving family-based petitions. For the small number of employment based visa applications that Warsaw receives, however, there are a significant amount of fraudulent work documents for alien worker petitions. This is one type of visa that the fraud prevention unit monitors closely.

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DV Fraud  
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¶8. (SBU) Warsaw continues to encounter significant fraud in DV applications from citizens of Ukraine. Approximately 85 percent of

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Ukrainian DV entries are submitted by agencies, often without the knowledge or permission of the applicant named in the entry. This often results in mistakes that could disqualify the applicant, such as not submitting the names of spouses or children. These agencies then charge lottery winners up to \$20,000 for their services, which sometimes includes the provision of documents to hide such mistakes.

While use of an agency to submit the application to the lottery is not illegal under the INA, the methods these agencies utilize to collect debts are of concern to U.S. law enforcement entities.

¶9. (SBU) The agencies usually use one of three methods to collect their money from applicants. The first method is coercing the beneficiaries to work for a company or person connected to the agency for low wages until the debt is repaid. The second is requiring the beneficiary to sign a contract in Ukraine promising to repay the money. In this way, if the beneficiary does not repay the debt after immigrating to the United States, the agency can use governmental organs to enforce the contract, usually garnishing wages or appropriating the property of a co-signer who is still in Ukraine. The third method involves the agency compelling the DV winner to marry someone who has paid the agency to be added to a winning applicant's package. Investigating these so-called pop-up marriages makes up a large part of Warsaw and Kyiv's fraud prevention workload.

¶10. (SBU) In October 2008, the Fraud Prevention Unit (FPU) began using a matrix to pre-screen DV applications. The matrix scores applications on factors such as agency involvement, divorce and remarriage in less than three months, whether passports were issued since the date of the marriage, etc. Cases are then flagged to alert the interviewing officer to likely lines of questioning. A matrix score above a certain threshold triggers FPU involvement.

¶11. (SBU) Post has also seen a growing number of instances in which agencies have failed to list a DV applicant's dependants on the DV entry form. Agencies profit from these omissions by charging winners a fee for the provision of documents to conceal these omissions. In cases where a legitimate spouse is left off the initial DV entry, for example, agencies provide fraudulent divorce and re-marriage

certificates. In cases where the principal applicant is not seeking an immigration benefit for family members omitted from the entry form, agencies provide false death and divorce certificates to make it appear that the applicant had no immediate relatives at the time of lottery entry to avoid 5A ineligibility.

¶12. (SBU) Warsaw FPU continues to work closely with Kyiv-RSO and Kyiv-FPU to research cases, share information and track fraud trends. Recent visits between the two Posts have helped to solidify this cooperation. This has led to fewer unqualified applicants actually making it to through the interview process. The combined efforts have also helped more qualified applicants to proceed through the diversity lottery process without being coerced or threatened by these agencies.

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Polish Passport Fraud  
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¶13. (SBU) In May 2009, an applicant in Krakow submitted a valid Polish passport with a false identity and received a tourist visa. The incident was identified through law enforcement and Krakow continues to work with the GOP to determine the extent of any passport or supporting document fraud ring in the consular district. Krakow will report on the incident by Septel. This single incident is not likely to be an indicator of weakness in Polish passport security measures, which Krakow has reviewed. The GOP has been very open in cooperating on this case, providing fingerprint reviews and photo identification of the subject, who is in custody in the United States.

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ACS and U.S. Passport Fraud  
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¶14. (U) There was only one confirmed ACS fraud in FY2009. It was an attempt to obtain a CRBA and U.S. passport for a child by an American citizen who was not the child's biological father. He legitimated the child, and he was listed as the father on the Polish birth certificate. However, during the interview he declined to answer a question whether he was the biological father of that child and refused DNA testing. The CRBA application was denied.

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Adoption Fraud  
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¶15. (U) Adoption Fraud: Warsaw has not seen any recent adoption fraud trends.

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Use of DNA Testing  
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¶16. (U) In past years, Warsaw has utilized DNA testing in a limited number of cases usually involving questions of parentage in the DV lottery process.

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Asylum and Other DHS Benefit Fraud  
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¶17. (U) Warsaw processes a small number of asylum cases and has no fraud to report at this time regarding Visas 92/93 cases. Warsaw does receive a few reports of lost or stolen I-551s and reports those promptly to DHS.

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Alien Smuggling, Trafficking, Organized Crime, Terrorist Travel  
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¶18. (U) Alien Smuggling, Trafficking, Organized Crime, Terrorist Travel: Poland is a Tier 1 country and is a source, transit and destination country for trafficked persons, primarily women and

girls, but to a lesser extent, boys and men. Persons were trafficked to and through Poland from countries in Eastern Europe, Asia and Africa. Ukraine continued to serve as the largest source of persons trafficked through the country. Citizens and foreigners were trafficked to other EU countries and Israel. The majority of trafficking victims are for the purpose of sexual exploitation; however other forms of trafficking for forced labor occurs, particularly in the agricultural and other economic sectors. According to the most recent Trafficking in Persons (TIP) Report, Poland fully complies with the minimum standards for the elimination of trafficking, and demonstrated progress in its overall law enforcement efforts.

¶19. (U) There is not currently any evidence of patterns of terrorist travel in Poland. In December 2007, Poland joined the Schengen zone for all forms of travel. This has allowed for free travel between Poland and other Schengen countries. Post RSO therefore regularly monitors travel patterns both within the Schengen zone and with non-Schengen border countries.

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DS Criminal Fraud Investigations  
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¶20. (U) Warsaw has cooperated closely with Embassy Kyiv in their investigation of agencies facilitating entry into the DV lottery for citizens of Ukraine. The ongoing investigation focuses primarily on domestic U.S. connections and fees paid by winners of the DV lottery in Ukraine in connection with the services of those agencies. There are three cases involving DS investigations in Krakow. The first case is related in paragraph 13 above, the second is a visa fraud case with a fugitive and the third involves a report of intended document fraud that is under investigation (both to be covered by Septel).

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Host Country Passport, Identity Documents and Civil Registry  
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¶21. (U) The Polish government has good control over its national documents. Post rarely sees illegally obtained original birth certificates, marriage and divorce certificates, passports, or national IDs. It is possible to obtain fake diplomas, student IDs, and proof of enrollment on black markets in Warsaw and Krakow, but these documents are usually of poor quality and consular staff are able to recognize them easily.

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Cooperation with Host Government Authorities  
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¶22. (U) Cooperation with Host Government Authorities: Both Warsaw and Krakow enjoy good cooperation with Polish border guards, immigration officials, and local and federal law enforcement. Traditionally, both FPU's in Poland are in frequent contact with such officials, resulting in cooperation that leads to reducing visa and passport fraud. We are, however, frequently unable to provide visa records to the Polish police for investigations, as the Polish authorities are unable to give assurances that those documents will

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not be used by prosecutors and other judicial authorities in court proceedings without our consent.

¶23. (U) The Department of Homeland Security's Customs and Border Protection Agency established an Immigration Advisory Program (IAP) at Warsaw's Okecie Airport in September 2004. IAP pre-screens passengers on direct flights to the U.S. in order to reduce the number of Polish citizens turned around at U.S. ports of entry because of invalid visas or previous immigration violations. The IAP has enhanced cooperation on fraud prevention and deportations of wanted persons, and has improved our already strong working relationships with Polish authorities.

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Areas of Particular Concern  
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¶24. (U) One area of particular concern is Ukrainian DV applicants being exploited by agencies which charge large sums for processing and translating applications and related documents, and fraudulently obtaining civil documents to hide the true family status of applicants. Embassy Kyiv has launched a vigorous campaign to inform the population about DV procedures and to educate successful applicants about avenues to deal with coercion in the U.S.

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Staffing and Training  
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¶22. (U) Warsaw's Fraud Prevention Unit is comprised of one full-time LES staff member, one full-time EFM consular assistant and one ELO. The IV Unit Chief supervises the FPU, while the ELO, who is currently in the IV unit, manages the FPU. A new ELO rotates into this position annually at the beginning of September. Krakow's FPU consists of one part-time FSI-trained officer, working under the supervision of the NIV unit chief. The consular section chief is an FSI-trained FPM and covers the ACS section and major cases. Krakow has one part-time EFM and one part-time LES dedicated to fraud prevention.

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